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L A W Y E R S

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

Stipulation to Disallow Mountain West Mortgage Proof of Claim in the Amount of \$2,048,000.00 and to Vacate Related Deadlines and Court Dates

Preliminary Hearing: September 30, 2009

Time 2:30 p.m.

Trial: October 22, 2009

Time: 9:30 a.m.:

USACM Liquidating Trust (the "USACM Trust"), by and through its counsel,
Lewis and Roca LLP, and Mountain West Mortgage, ("MWM"), by and through its
counsel, Pengilly Robbins Slater, hereby stipulate:

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007

LEWIS
AND
ROCA
LLP
LAWYERS

1. USA Commercial Mortgage Company filed an objection [DE 3078] to Proof of Claim No. 10725-00203 filed by MWM in the amount of \$2,048,000.00.

2. Pursuant to DE 7227, the objection is set for a pretrial on September 30, 2009 at 2:30 p.m., and trial on October 22, 2009 at 9:30 a.m.

3. After investigation and negotiation, the parties stipulate:

- That Proof of Claim No. 10725-00203 filed by MWM be disallowed in its entirety;
- Each party to bear its own attorneys fees and costs;
- The deadlines for filing trial statements, pre-trial motions and exhibit/witness list set forth in the Amended Order re Pre-Trial Matters, Trial and Settlement Conference may be vacated; and
- The pre-trial conference scheduled for September 30, 2009 at 2:30 p.m. and the trial scheduled to begin on October 22, 2009 may be vacated.

LEWIS AND ROCA LLP

PENGILLY ROBBINS SLATER

By s/John Hinderaker
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By: s/ Craig D. Slater,
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DATED: September 3, 2009

DATED: September 3, 2009